

Commissioner, Indiana Department of Environmental Management v. Mr. Lee Wilder  
d/b/a Rockwood Development  
2008 OEA 40 (07-W-E-3892)

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**OFFICIAL SHORT CITATION NAME:** When referring to 2008 OEA 40 cite this case as  
*IDEM v. Lee Wilder, 2008 OEA 40.*

**TOPICS:**

summary judgment  
water  
enforcement  
penalty  
NPDES  
Rule 5  
storm water  
erosion control measures  
land disturbing activities  
common plan of development or sale  
construction activity  
ESCP, Erosion Sediment Control Plan  
sediment  
responsible corporate officer doctrine

**PRESIDING JUDGE:**

Davidsen

**PARTY REPRESENTATIVES:**

Respondent: Todd C. Young, Esq.  
IDEM: Denise A. Walker, Esq.

**ORDER ISSUED:**

April 16, 2008

**INDEX CATEGORY:**

Water

**FURTHER CASE ACTIVITY:**

judicial review

**PREVIOUS CASE ACTIVITY:**

Non-final order preceding this final order:  
[\*IDEM v. Lee Wilder, 2008 OEA 40nf\*](#) in .doc format  
[\*IDEM v. Lee Wilder, 2008 OEA 40nf\*](#) in .pdf format

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**Commissioner, Indiana Department of Environmental Management v. Mr. Lee Wilder  
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**IT IS THEREFORE ORDERED, ADJUDGED AND DECREED as a FINAL ORDER** that the Respondent, Ash Lake Homes, Inc., d/b/a Rockwood Development, shall comply with the terms and conditions of the March 14, 2008 Findings of Fact, Conclusions of Law and Order, and referenced Commissioner's Order, in all respect, including payment of the civil penalty of Fifteen Thousand Two Hundred Fifty Dollars (\$15,250), submission of a Notice of Intent ("NOI"), and submission of a Construction Plan ("CP"), all within thirty (30) days of this Final Order. The check shall be made payable to Cashier-IDEM and the cause number of this case shall appear on the check, and both the check and the NOI shall be submitted to Denise Walker, Deputy Attorney General; Indiana Government Center South-5<sup>th</sup> Floor; 302 West Washington Street; Indianapolis, IN 46204. The CP shall be submitted to: Mr. Randy Braun, Storm Water Program Manager, IDEM, Office of Water Quality, 100 North Senate Avenue, ICGN 1255, Indianapolis, IN 46204; Lawrence County Soil and Water Conservation District, 1919 Steven Avenue, Bedford, IN 47421.

You are hereby further notified that pursuant to provisions of IC 4-21.5-7.5, the Office of Environmental Adjudication serves as the Ultimate Authority in the administrative review of decisions of the Commissioner of the Indiana Department of Environmental Management. This is a Final Order subject to Judicial Review consistent with applicable provisions of IC 4-21.5, *et seq.* Pursuant to IC 4-21.5-5-5, a Petition for Judicial Review of this Final Order is timely only if it is filed with a civil court of competent jurisdiction within thirty (30) days after the date this notice is served.

**IT IS SO ORDERED in Indianapolis, Indiana this 16th day of April, 2008.**

Hon. Mary L. Davidsen  
Chief Environmental Law Judge